

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

COMMODITY FUTURES
TRADING COMMISSION,

Plaintiff,

v.

Case No. 2:20-cv-503-FtM-29NPM

THE ALISTA GROUP, LLC,
MARVIN W COURSON, III,
CHRISTOPHER A KERTATOS and
LUIS M PINEDA PALACIOS,

Defendants.

ORDER

On September 9, 2020, the Court directed Defendant The Alista Group LLC (“Alista”) to retain counsel to represent it and have counsel file a notice of appearance by October 6, 2020. (Doc. 17, p. 2). In addition, new counsel was to file a response to the Complaint. (*Id.*). Alista failed to comply in all respects.

In its September 9 Order, the Court explained that Marvin W. Courson III filed an Answer and Affirmative Defenses (Doc. 12) jointly on behalf of himself and Alista. Under 28 U.S.C. § 1654, a party may appear and conduct their own cases personally, but a lay person cannot represent any other person or entity. *U.S. ex rel. Stronstorff v. Blake Med. Ctr.*, No. 8:01-CV-844-T-23MSS, 2003 WL 21004734, *1

(M.D. Fla. Feb. 13, 2003). And non-natural persons or artificial entities such as corporations, partnerships, and associations, must appear in federal court through licensed counsel. *Id.* (citing *Rowland v. Cal. Men's Colony*, 506 U.S. 194, 201-02 (1993)); see also M.D. Fla. R. 2.03(e). Accordingly, and as to Alista only, the Court struck the Answer filed by Mr. Courson.

Alista had until October 6, 2020 to retain new counsel and file a response to the Complaint, but failed to do so. This lack of response should have prompted Plaintiff to move for default, but it did not. Accordingly, Commodity Futures Trading Commission shall, by December 18, 2020, file its motion to default Alista.

DONE and **ORDERED** in Fort Myers, Florida on December 4, 2020.



NICHOLAS P. MIZELL
UNITED STATES MAGISTRATE JUDGE